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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,975	02/27/2004	Jean-Marie Gatto	CYBS5858	9438
22430	7590	10/19/2007	EXAMINER	
YOUNG LAW FIRM, P.C. ALAN W. YOUNG 4370 ALPINE ROAD SUITE 106 PORTOLA VALLEY, CA 94028			PATEL, NIRAV B	
		ART UNIT	PAPER NUMBER	
		2135		
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		10/19/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No.	Applicant(s)
	10/789,975	GATTO ET AL.
	Examiner Nirav Patel	Art Unit 2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 August 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-79 and 81-97 is/are pending in the application.
- 4a) Of the above claim(s) 26-79, 81, 91-97 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 and 82-90 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>8/9/07</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

1. This action is responsive to the communication filed on Aug. 09, 2007. Claims 1-79, 81-97 are pending. At this time, claims 1-25 and 82-90 are rejected.

2. Applicant's election without traverse of species 1 (Claims 1-25 and 82-90) in the reply filed on Aug. 09, 2007 is acknowledged. Examiner would like to correct the typographical error in the group 1, species 1: claims 1-25, 82-90 instead of claims 1-25, 81-90. Claim 81 is dependent claim, which depends on claim 79. Claim 79 is under group 2, species 2. Therefore, claim 81 is under the group 2 - species 2.

Claims 71-79, 81 and 94-97 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species 2 and species 3, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on Aug. 09, 2007.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 and 82-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (US Patent No. 7,168,089) in view of Takeshima et al (US Patent No. 7,219,134) and in view of Tanaka et al (US Pub. No. 2003/0182236).

As per claim 1, Nguyen teaches:

a network connected gaming system, the gaming system including a plurality of gaming machines each having a plurality of executable software components [Fig. 1, 3, 8]. Nguyen teaches the gaming software for the plurality of gaming machine in the distributed network, and the gaming software authorization agent tracks the software distributions on various gaming machine [Fig. 8]. Nguyen doesn't expressively mention that each *different executable software component* within each gaming machine within the gaming system subject to receive *certification is uniquely associated with a unique identifier and is signed with a separate and unique PKI certificate.*

Takeshima teaches each different executable software component (content) subject to receive certification is uniquely associated with a unique identifier and is signed with a separate and unique PKI certificate, the separate and unique PKI certificate being uniquely identified at least by the unique identifier [Fig. 9, col. 6 lines 17-31 i.e. each identical content has same content ID and therefore, the signature is unique to each identical content, however different content has different content ID and therefore the signature is different to each different content].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takeshima with Nguyen, since one would have been motivated to prevent the content (executable component) from being tampered [Takeshima, col. 3 lines 43-45].

Further, Takeshima teaches executable software components (contents) are associated with identical identifiers and are signed with identical PKI certificates [Fig. 9, col. 6 lines 17-31].

Tanaka teaches: identical executable software components (content) in different ones of the plurality of gaming machines (users/devices) of the network connected gaming system are associated with identical identifiers and are signed with identical PKI certificates, such that non-identical executable software components in different ones of the plurality of gaming machines are associated with separate and different identifiers and are signed with separate and different PKI certificates, and such that no two non-identical executable software components in different gaming machines are signed with a same PKI certificate [Fig. 26, 22, 5, paragraph 0177 i.e. each identical content (content 1, content 2....) has identical content ID which is associated with identical signature/certificate and is distributed to plurality of users/devices (user 1, user 2...)].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tanaka with Nguyen and Takeshima, since one would have been motivated to manage contents individually for permitting the use of such contents [Tanaka, paragraph 0001].

As per claim 2, the rejection of claim 1 is incorporated and Nguyen teaches:

wherein each software component is authorized by a regulatory authority [Fig. 8].

As per claims 3 and 4, the rejection of claim 1 is incorporated and Takeshima teaches:

Art Unit: 2135

wherein the separate and unique PKI certificate is produced by the certification lab, by the gaming system supplier or by the trusted party designated by the regulatory authority [Fig. 1].

As per claim 5, the rejection of claim 1 is incorporated and Takeshima teaches:

the separate and unique identifier is a certificate field selected from a "Subject" field, an "issued to" field, a "subject name" field, the a "CommonName" field, a "Provider" field or a "publisher" field" [Fig. 9].

As per claim 6, the rejection of claim 1 is incorporated and Takeshima teaches:

the unique identifier comprises at least one of fields and field extensions" [Fig. 9].

As per claim 7, the rejection of claim 1 is incorporated and Takeshima teaches:

the unique Identifier comprises at least one of a plurality of fields selected from among: a software component part number; a software component major version number; a software component minor version number; a software component build number; a software component revision number; a software component project name; a software component type of software component; a software component language variant; a software component game regulation variant; a software component friendly name; an identification of the certification laboratory, and an identification of the client" [Fig. 9].

Art Unit: 2135

As per claim 8, the rejection of claim 7 is incorporated and Takeshima teaches:
the unique identifier is a concatenation of selected Identifiers fields [Fig. 9].

As per claim 9, the rejection of claim 1 is incorporated and Takeshima teaches:
wherein at least a portion of the unique identifier is reported in the Windows event log
upon execution of the software component [Fig. 9].

As per claims 10 and 11, the rejection of claim 1 is incorporated and Takeshima
teaches:
at least a portion of the unique identifier is reported in the source held of the Windows
event log upon execution of the software component [Fig. 9].

As per claim 12, the rejection of claim 1 is incorporated and Takeshima teaches:
at least a portion of the unique Identifier is traceable in at least one of: source code;
Windows File Properties; Trusted Inventory; Windows Event Log; Software Restriction
Policies, and Certificate Store [Fig. 9].

As per claims 13-14, the rejection of claim 1 is incorporated and Nguyen teaches:
the network connected gaming system is connected in at least one of a local area
system and wide area network [Fig. 1, 3, 8].

As per claim 15, the rejection of claim 1 is incorporated and Takeshima teaches:

Art Unit: 2135

the unique identifier contains identification information delimited with file-name-allowed non-alphanumeric characters to facilitate human identification, string searches and file searches [Fig. 9, 5].

As per claim 16, the rejection of claim 1 is incorporated and Takeshima teaches:
the unique identifier contains identification information delimited with file-name-allowed non-alphanumeric characters to facilitate human identification, string searches and file searches [Fig. 9, 5, 3].

As per claim 82, it encompasses limitations that are similar to limitations of claim 1.
Thus, it is rejected with the same rationale applied against claim 1 above.

As per claim 83, the rejection of claim 82 is incorporated and Takeshima teaches:
a secure communication link between the reference platform and the certification lap for enabling manufacturer or designated subcontractors to remotely configure the software building environment on tile certification platform [Fig. 1].

As per claims 84, 85 and 90, the rejection of claim 82 is incorporated and Nguyen teaches:

the authorized software components to be downloaded to the network connected gaming system are tested by the certification laboratory [Fig. 1, 3, 8].

Art Unit: 2135

As per claims 86 and 87, the rejection of claim 82 is incorporated and Nguyen teaches:
a secure communication link between the reference platform and the certification lap for enabling manufacturer or designated subcontractors to remotely configure the software building environment on tile certification platform [Fig. 1, 3, 8].

As per claims 88 and 89, the rejection of claim 82 is incorporated and Takeshima teaches:

the code signing means comprises a certificate authority under control of the manufacturer for generating certificates [Fig. 1].

4. Claims 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nguyen et al (US Patent No. 7,168,089) in view of Takeshima et al (US Patent No. 7,219,134) in view of Tanaka et al (US Pub. No. 2003/0182236) and in view of Rabin et al (US Patent No. 6,697,948).

As per claim 17, Nguyen teaches:

a network connected gaming system to prevent unauthorized software components of constituent computers of the gaming system from executing the gaming system including a plurality of gaming machines each having a plurality of executable software components [Fig. 1, 3, 8].

Takeshima teaches:

Art Unit: 2135

producing a separate and unique PKI certificate for each of the plurality of executable software component subject to receiving certification within each gaming machine, each software comment subject to receiving certification including a unique identifier; code signing each executable software component subject to receiving certification with its respective separate and unique PKI certificate, each respective PKI certificate being uniquely identified at least by a unique identifier that is uniquely associated with the executable software component [Fig. 9, col. 6 lines 17-31 i.e. each identical content has same content ID and therefore, the signature is unique to each identical content, however different content has different content ID and therefore the signature is different to each different content].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Takeshima with Nguyen, since one would have been motivated to prevent the content (executable component) from being tampered [Takeshima, col. 3 lines 43-45].

Further, Takeshima teaches executable software components (contents) are associated with identical identifiers and are signed with identical PKI certificates [Fig. 9, col. 6 lines 17-31].

Tanaka teaches: identical executable software components (content) in different ones of the plurality of gaming machines (users/devices) of the network connected gaming system are associated with identical identifiers and are signed with identical PKI certificates, such that non-identical executable software components in different ones of the plurality of gaming machines are associated with separate and different identifiers

and are signed with separate and different PKI certificates, and such that no two non-identical executable software components in different gaming machines are signed with a same PKI certificate [Fig. 26, 22, 5, paragraph 0177 i.e. each identical content (content 1, content 2....) has identical content ID which is associated with identical signature/certificate and is distributed to plurality of users/devices (user 1, user 2...)].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Tanaka with Nguyen and Takeshima, since one would have been motivated to manage contents individually for permitting the use of such contents [Tanaka, paragraph 0001].

Robin teaches

configuring software restriction policy certificate rules to allow execution of only those executable software components whose code signed PKI certificate is determined to be authorized [col. 52 line 60 – col. 53 line 25, col. 15 lines 6-57].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Robin with Nguyen, Takeshima and Tanaka, since one would have been motivated to prevent the piracy of content and unauthorized use of the content [Robin, col. 1 lines 19-25].

As per claims 18 and 19, the rejection of claim 17 is incorporated and Robin teaches:
configuring software restriction policy rules to prevent execution of unauthorized software components (Col 26 lines 50-60, Col 27 lines 30-44, Col 28 lines 5-15, Col 28, Table 1, line 30 to Col 30 line 20, and Col 52 line 60 to Col 53 line 25).

As per claim 20, it encompasses limitations that are similar to limitations of claim 17. Thus, it is rejected with the same rationale applied against claim 17 above.

As per claim 21, the rejection of claim 20 is incorporated and Takeshima teaches: the authorized software components are mandated by a regulatory body [Fig. 1, 9].

As per claim 22, it encompasses limitations that are similar to limitations of claim 17. Thus, it is rejected with the same rationale applied against claim 17 above.

As per claim 23, the rejection of claim 20 is incorporated and it encompasses limitations that are similar to limitations of claim 21. Thus, it is rejected with the same rationale applied against claim 21 above.

As per claim 24 and 25, they encompass limitations that are similar to limitations of claim 17. Thus, they are rejected with the same rationale applied against claim 17 above.

Art Unit: 2135

Response to Amendment

5. Applicant's previous amendments to claims 1, 17, 20, 22, 24, 25 and 82 as well as arguments directed towards the amended claims have been fully considered, but are moot in view of new rejections presented above in response to the amendments.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see form 892).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. The examiner can normally be reached on 8 am - 4:30 pm (M-F).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

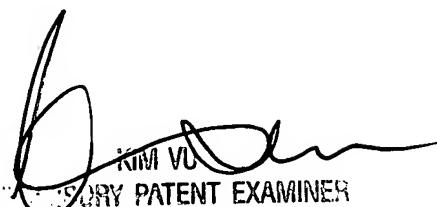
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Art Unit: 2135

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NBP

10/10/07



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